

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEFFREY ALAN RICHIE,

Plaintiff,

VS.

UTMB HOSPITAL GALVESTON, *et al*,

Defendants.

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CIVIL ACTION NO. 2:12-CV-322

**OPINION AND ORDER GRANTING MOTION FOR A COPY OF MEDICAL
RECORDS, ORDER DENYING MOTION FOR RECONSIDERATION OF
ORDER DENYING APPOINTMENT OF COUNSEL, AND ORDER DENYING
AS MOOT MOTION FOR RELIEF FROM ORDER TO SEAL MEDICAL
RECORDS**

Pending are three motions filed by plaintiff: (1) motion for reconsideration of the order denying plaintiff appointment of counsel (D.E. 26); (2) motion for relief from the order sealing plaintiff's medical records (D.E. 27); and (3) motion for a copy of medical records.


Plaintiff requests reconsideration of the order denying him appointment of counsel (D.E. 26). That motion (D.E. 26) is denied without prejudice for the same reasons set forth in the earlier order (D.E. 12). The motion is premature. Plaintiff's claims have not yet been screened pursuant to 28 U.S.C. § 1915.

Plaintiff also moves for a copy of his medical records (D.E 28). It appears that the Attorney General mailed a copy of the Martinez report (D.E. 17) to plaintiff but not a copy of the physician's affidavit and plaintiff's medical records. Plaintiff is entitled to copies of these documents. The Attorney General is ordered to provide to plaintiff a copy

of the physician's affidavit and a copy of all records filed with the court under seal (D.E. 18, 19, 20). The Attorney General shall file a statement within twenty days verifying that a copy of all documents under seal have been provided to plaintiff, either previously or pursuant to this order.

In view of the order granting plaintiff's request for a copy of his medical records, plaintiff's motion for relief from the order sealing his records (D.E. 27) is denied as moot. Plaintiff's medical records are sealed for plaintiff's protection, not to keep plaintiff from having access to the records. The medical records contain information about plaintiff's health, his date of birth and other records that federal law and the rules require be sealed or redacted. FED. R. CIV. P. 5.2; Health Insurance Portability and Accountability Act of 1996 (HIPAA); E-Government Act of 2002, § 205(c)(3).

ORDERED this 3rd day of December, 2012.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE